

RECEIVED

FEB 22 1999

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	RM-8143
Enhanced 911 Emergency)	
Calling Systems)	
)	
Guidelines for Waivers of)	DA 98-2631
Section 20.18(e) of the)	
Commission's Rules)	

REPLY OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, submits this consolidated reply to the comments and oppositions filed on February 4 and February 16, 1999, in this proceeding.^{1/}

Opponents of wireless carriers' waiver requests are limited to PSAPs, who wrongly infer from these comments a desire to delay implementation of Phase II 911 requirements, and network-based technology vendors with a self-interest in discouraging handset-based solutions to these requirements. Neither of these groups provides any basis for denying AT&T and other carriers the flexibility they have requested to evaluate the competing claims of handset-based and network-based solution vendors. Wireless carriers, not PSAPs or vendors, bear the regulatory obligation to comply with the Commission's E-911 requirements. Carriers should have a reasonable opportunity to determine which solution, or combination thereof, best enables them to meet the Commission's requirements for Phase II E-911 services.

^{1/} See "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E-911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," Public Notice, DA 98-2631, rel. Dec. 24, 1998 ("Notice").

No. of Copies rec'd 015
List ABCDE

DISCUSSION

I. THERE IS NO BASIS FOR THE PUBLIC SAFETY ASSOCIATIONS' "SKEPTICISM" TOWARD THE WAIVER REQUESTS

The Public Safety Associations express "skepticism" toward any waiver requests because they fear that granting these requests will delay the implementation of Phase II ALI services.^{2/} AT&T agrees with PCIA that there is no basis for the Public Safety Associations' skepticism.^{3/} As PCIA explains, wireless carriers have both social and economic incentives to deploy Phase II technology in an expeditious manner. AT&T strongly supports the Commission's Phase II ALI requirements, and is working diligently to ensure that it can meet the October 1, 2001 Phase II deadline. AT&T asks only that the Bureau adopt a flexible and technologically neutral framework that will allow AT&T and other carriers to make Phase II compliance decisions based on the benefits to public safety, and the performance and cost effectiveness of the technology, rather than arbitrary formulas and compliance dates.^{4/}

Nor should the Bureau lose sight of the fact that implementation of E-911 services requires the efforts of both wireless carriers and PSAPs. As is the case with the Commission's Phase I requirements, carriers are not required to provide Phase II service unless the relevant PSAP has requested the service and is capable of receiving and utilizing the data elements associated with the service, and a cost recovery mechanism is in place. 47 U.S.C. § 20.18(e). Even though AT&T was ready to implement Phase I service as of the April 1, 1998 deadline,

^{2/} Public Safety Associations' Comments at 2, 5 ("the inescapable effect of waivers extending time for handset approaches will be to freeze and stall the development of network radiolocation solutions that we believe can be implemented at or ahead of deadline").

^{3/} See PCIA Comments at 5.

^{4/} Comments of AT&T Wireless Services, Inc. at 3.

most PSAPs were not.^{5/} Rather than urging the Bureau to require wireless carriers to comply with artificial compliance deadlines -- deadlines that individual PSAPs may have no intention of meeting -- the Public Safety Associations should work with their members to ensure that they are ready to do their part once carriers are ready to implement Phase II.

II. THE BUREAU SHOULD DISCOUNT THE CLAIMS OF NETWORK-BASED TECHNOLOGY VENDORS

It is not surprising that the Phase II Working Group and individual network-based technology vendors oppose the grant of any waivers that would permit carriers to utilize a handset-based solution.^{6/} Given their obvious economic self-interest, the Bureau should discount their arguments.

Many of the network-based technology vendors argue that the Bureau should deny the waiver requests because an alternative technology -- their own -- is available and can satisfy the Commission's Phase II ALI requirements by the October 1, 2001 deadline.^{7/} As AT&T explained in its initial comments, however, there simply is no network-based ALI solution for

^{5/} In an October 2, 1998 ex parte filing to the Commission in this docket, AT&T discussed in more detail the status of its efforts to provide Phase I E-911 service and the problems it was encountering. Despite the fact that AT&T was ready to implement Phase I on April 1, 1998, less than four percent of AT&T's wireless customers were receiving Phase I service as of September 30, 1998.

^{6/} Accord PCIA Comments at 4.

^{7/} See, e.g., Cell-Loc Inc. Comments at 7 (arguing that it is not prudent to delay implementation for Phase II ALI to wait for technology that cannot locate all 911 calls); SigmaOne Communications Corporation Comments at 1 (arguing there is no good cause for grant of a waiver because alternative technology is available to address all non-ALI capable handsets by October 1, 2001); and TruePosition Comments at 19 (arguing that unproven promises of better technologies do not satisfy the burden necessary for a waiver when viable solutions currently exist).

TDMA that is procurement-ready today.^{8/} Despite the claims of certain network-based technology vendors that their solutions will work for wireless networks using TDMA, these solutions are still in the testing phase.^{9/} While AT&T supports these vendors' efforts to develop and test Phase II ALI solutions for wireless systems using TDMA, AT&T also will have to conduct its own integration tests to ensure that any potential solution will not negatively impact digital performance. AT&T is hopeful that an ALI solution for TDMA systems will become available in the next year, but this outcome is far from certain.^{10/}

As AT&T explained in its initial comments, AT&T has not yet determined what technology it will use to comply with the Commission's Phase II ALI requirements. Indeed, it is evaluating several of the network-based technologies being developed by waiver opponents in this proceeding. Any action in this docket, however, must reflect a realistic view of the status and prospects for network-based ALI solutions, and not the rosy scenarios painted by the vendors.

CONCLUSION

The Notice has afforded carriers a useful opportunity to provide information to the Bureau about obstacles to compliance with the Phase II ALI deadline. AT&T does not believe

^{8/} AT&T Wireless Services Inc. Comments at 3-5.

^{9/} Compare TruePosition Response at 5 (claiming that TruePosition has "a live TDMA system in operation") with Attachment 3, Press Release, "TruePosition Releases TDMA Modules for Wireless Location System," released Feb. 1, 1999 (announcing that TruePosition has "commenced production of AMPS/TDMA modules for the series 2 TruePosition Wireless Location System" and has "successfully completed laboratory testing and begun field trials.") (emphasis added).

^{10/} As AT&T explained in its initial comments, AT&T is doing all that it can to ensure that it is able to comply with the Commission's Phase II deadline. If, however, the situation does not improve within the next year or if other factors outside of AT&T's control develop that could prevent AT&T from complying with section 20.18(e), AT&T will notify the Bureau.

that the release of the Notice has led carriers to adopt a "wait-and-see approach" to Phase II compliance.^{11/} AT&T is working diligently to find the best possible Phase II ALI solution, but in light of the still formative state of ALI technology today, believes it is simply too early to commit to any one particular solution. The Commission should use this proceeding to ensure that carriers have the flexibility to determine the technology or combination of technologies that most effectively enables carriers to meet the Phase II requirements.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

Howard J. Symons
Sara F. Seidman
Michelle M. Mundt
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
(202) 434-7300
Of Counsel
February 22, 1999

Douglas I. Brandon/mm
Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 223-9222

DCDOCS: 142546.3 (31zm03!.doc)

^{11/} Cf. TruePosition Response at 6 (arguing that the Bureau's suggested waiver guidelines have invited carriers "to adopt a wait-and-see approach to E-911 implementation.").

CERTIFICATE OF SERVICE

I, Michelle Mundt, hereby certify that on this 22nd day of February 1999, I caused copies of the foregoing "Reply Comments of AT&T Wireless Services, Inc." to be sent to the following by either first class mail, postage prepaid, or by hand delivery (*):

Thomas Sugrue*
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002F
Washington, D.C. 20554

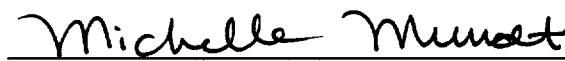
John Cimko*
Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Nancy Boocker*
Deputy Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Won Kim*
Attorney
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Dan Grosh*
Engineer
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

ITS*
1231 20th Street
Washington, D.C. 20054



Michelle Mundt